

STATE OF KANSAS
KANSAS PHARMACY BOARD

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO
ADMINISTRATIVE REGULATION**

A public hearing will be conducted at 9:00 a.m., on the 2nd day of December, 2009, at the Via Christi-St. Joseph Campus, 3600 E. Harry, 3rd Floor, Conference Room A, Wichita, Kansas, to consider the amendment of K.A.R. 68-2-20 of the Kansas Pharmacy Board.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed amendment of K.A.R. 68-2-20. All parties may submit written comments prior to the hearing to the Executive Secretary of the Kansas Pharmacy Board, Debra Billingsley, pharmacy@pharmacy.ks.gov or Landon State Office Building, 900 SW Jackson, Room 560, Topeka, Kansas 66612-1231. All interested parties will be given a reasonable opportunity to present their views orally on the amendment of the regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting the Kansas Pharmacy Board, Landon State Office Building, 900 SW Jackson, Room 560, Topeka, Kansas 66612-1231, (785) 296-4056.

The regulation is proposed for amendment. A summary of the proposed regulation is as follows:

K.A.R. 68-2-20. Pharmacist's function in filling a prescription. This regulation identifies pharmacist's function in filling a prescription.

Copies of the regulation and the economic impact statement may be obtained from the Kansas Pharmacy Board, Landon State Office Building, 900 SW Jackson, Room 560, Topeka, Kansas 66612-1231, (785) 296-4056, or by accessing the Board's website at <http://www.accesskansas.org/pharmacy/leg.html>.

Debra Billingsley
Executive Secretary

68-2-20. Pharmacist's function in filling a prescription. (a) As used in this regulation, the following terms shall have the meanings specified in this subsection:

(1) "Authorized prescriber" shall mean a "practitioner" as defined by K.S.A. 65-1626(gg) and amendments thereto, a "mid-level practitioner" as defined by K.S.A. 65-1626(ss) and amendments thereto, or a person authorized to issue a prescription by the laws of another state.

(2) "Legitimate medical purpose," when used in regard to the dispensing of a prescription drug, shall mean that the prescription for the drug was issued with a valid preexisting patient-prescriber relationship rather than with a relationship established through an internet-based questionnaire, an internet-based consultation, or a telephonic consultation.

(b) Those judgmental functions that constitute the filling or refilling of a prescription shall be performed only by a licensed pharmacist or by a pharmacy student or intern under the direct supervision of a licensed pharmacist and shall consist of the following steps:

- (1) Read and interpret the prescription of the prescriber;
- (2) limit any filling or refilling of a prescription to one year from the date of origin, except as provided by K.S.A. 65-1637; and amendments thereto;
- (3) verify the compounding, counting, and measuring of ingredients and document the accuracy of the prescription;
- (4) identify, in the pharmacy record, the pharmacist who verifies the accuracy of the completed prescription;
- (5) personally offer to counsel each patient or the patient's agent with each new prescription dispensed, once yearly on maintenance medications, and, if the pharmacist deems appropriate, with prescription refills in accordance with subsection ~~(b)~~ (c);

ATTORNEY GENERAL

DEPT. OF ADMINISTRATION

SEP 8 2009

AUG 21 2009

APPROVED BY 

APPROVED

(6) ensure the proper selection of the prescription medications, devices, or suppliers as authorized by law;

(7) when supervising a pharmacy technician, delegate only nonjudgmental duties associated with the preparation of medications and conduct in-process and final checks;

(8) prohibit all other pharmacy personnel from performing those judgmental functions restricted to the pharmacist; and

(9) interpret and verify patient medication records and perform drug regimen reviews.

~~(b)~~(c) In order to comply with paragraph ~~(a)~~(5) (b)(5), the pharmacist or the pharmacy student or intern under the pharmacist's supervision shall perform the following:

(1) Personally offer to counsel each patient or the patient's agent with each new prescription dispensed, once yearly on maintenance medications, and, if the pharmacist deems appropriate, with prescription refills;

(2) provide the verbal counseling required by this regulation in person, whenever practical, or by the utilization of a telephone service available to the patient or patient's agent. Any pharmacist may authorize an exception to the verbal counseling requirement on a case-by-case basis for refills, maintenance medications, or continuous medications for the same patient;

(3) when appropriate, provide alternative forms of patient information to supplement verbal patient counseling. These supplemental forms of patient information may include written information, leaflets, pictogram labels, video programs, and auxiliary labels on the prescription vials. However, the supplemental forms of patient information shall not be used as a substitute for the verbal counseling required by this regulation;

(4) encourage proper patient drug utilization and medication administration. The

ATTORNEY GENERAL

DEPT. OF ADMINISTRATION

SEP 8, 2009

AUG 21 2009

APPROVED BY 

APPROVED

pharmacist shall counsel the patient or patient's agent on those elements that, in the pharmacist's professional judgment, are significant for the patient. These elements may include the following:

- (A) The name and a description of the prescribed medication or device;
- (B) the dosage form, dosage, route of administration, and duration of therapy;
- (C) special directions and precautions for preparation, administration, and use by the

patient;

(D) common side effects, adverse effects or interactions, or therapeutic contraindications that ~~may~~ could be encountered; the action required if these effects, interactions, or contraindications occur; and any activities or substances to be avoided while using the medication;

(E) techniques for self-monitoring drug therapy;

(F) proper storage requirements; and

(G) action to be taken in the event of a missed dose; and

(5) expressly notify the patient or the patient's agent if a brand exchange has been exercised.

~~(e)~~(d) Nothing in this regulation shall be construed to require a pharmacist to provide the required patient counseling if either of the following occurs:

(1) The patient or the patient's agent refuses counseling.

(2) The pharmacist, based upon professional judgment, determines that the counseling may be detrimental to the patient's care or to the relationship between the patient and the patient's prescriber.

(e) Each pharmacist shall make a reasonable effort to ensure that any prescription.

regardless of the means of transmission, has been issued for a legitimate medical purpose by an

regardless of the means of transmission, has been issued for a legitimate medical purpose by an authorized prescriber. (Authorized by K.S.A. 65-1630; implementing K.S.A. 2008 Supp. 65-1626, K.S.A. 2001 2008 Supp. 65-1637, and K.S.A. 2001 2008 Supp. 65-1642; effective, E-77-39, July 22, 1976; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1988; amended Nov. 30, 1992; amended March 20, 1995; amended Aug. 14, 1998; amended Dec. 27, 1999; amended Feb. 7, 2003; amended P-_____.)

ATTORNEY GENERAL

SEP 8 2009

APPROVED BY **DEPT. OF ADMINISTRATION**

AUG 21 2009

APPROVED

STATE OF KANSAS
KANSAS PHARMACY BOARD

ECONOMIC IMPACT STATEMENT

Pursuant to K.S.A. 77-420(b), the Kansas Pharmacy Board submits the following description of the economic impact of K.A.R. 68-2-20.

1. This regulation identifies the pharmacist's function in filling a prescription.
2. The proposed regulation is not mandated by federal laws.
3. No new costs will be borne by pharmacists, pharmacy technicians, or others.
4. The Board is not aware of any less costly or less intrusive methods to achieve the stated purpose and thus none were considered.
5. This is not a proposed environmental regulation.